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VIA FACSIMILE AND HAND DELIVERY



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Mr. Gary E. Walsh, Executive Director
South Carolina Public Service Commission
Synergy Business Park, Saluda Building
101 Executive Center Drive
Columbia, SC 29210

Re: BellSouth Telecommunications, Inc.
Section 271 Application
Docket No. 2001-209-C

Dear Mr. Walsh:

I am writing to respond to one issue raised by BellSouth's memorandum filed Friday in opposition to the motion for reconsideration I filed for SECCA. BellSouth argues that the South Carolina Administrative Procedures Act does not apply because the only decision being made by the Commission in this docket is whether to endorse BellSouth's 271 application which will eventually be decided by the FCC.

Even assuming that BellSouth is correct that the APA would not apply to a proceeding in which the Commission merely decided whether to endorse the 271 application, it is clear that the APA would apply to this docket because the Commission has done much more than endorse the 271 application. Most significantly for purposes of the motion to reconsider, the Commission in this docket has approved and adopted the Incentive Penalty Plan which is a South Carolina specific mechanism to be interpreted and enforced by the South Carolina Commission. I don't believe BellSouth would argue that the APA doesn't apply to a proceeding in which this Commission adopted a regulatory enforcement plan like the SEEM or the IPP. The fact that it is doing so, at the request of BellSouth, in a proceeding in which it is also making a recommendation to the FCC does not somehow nullify application of the APA.

Thank you for considering our views on this issue. By copy of this letter we are serving all parties.

Yours truly,

ROBINSON, McFADDEN & MOORE, P.C.

Frank R. Ellerbe, III
Frank R. Ellerbe, III

FRE/rt

cc: All parties of record